

# HOUSE BILL 1072

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11r2395

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By: **Delegates Conaway, Alston, Anderson, Arora, Branch, Carter, Clagett, Clippinger, Dumais, Frush, Glass, Glenn, Jameson, K. Kelly, Lee, McComas, Mitchell, Norman, Oaks, B. Robinson, Rosenberg, Simmons, Stukes, Summers, Tarrant, Valderrama, Valentino-Smith, Vallario, and Washington**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Salvia Divinorum – Regulations**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt  
4 and enforce certain regulations regarding the sale of Salvia divinorum;  
5 specifying certain required contents of the regulations to be adopted; and  
6 generally relating to Salvia divinorum.

7 BY adding to

8 Article – Criminal Law

9 Section 10–134

10 Annotated Code of Maryland

11 (2002 Volume and 2010 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Criminal Law**

15 **10–134.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **(A) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL**  
2 **ADOPT AND ENFORCE REGULATIONS REGARDING THE SALE OF SALVIA**  
3 **DIVINORUM CONSISTENT WITH THE PROVISIONS OF THIS PART.**

4           **(B) THE REGULATIONS SHALL INCLUDE REQUIREMENTS THAT A**  
5 **SELLER OF SALVIA DIVINORUM:**

6                   **(1) VERIFY THE BIRTH DATE OF A PURCHASER WHO IS UNDER**  
7 **THE AGE OF 27 YEARS BY CHECKING APPROPRIATE PHOTO IDENTIFICATION;**

8                   **(2) KEEP SALVIA DIVINORUM IN A PLACE THAT IS INACCESSIBLE**  
9 **TO CUSTOMERS;**

10                   **(3) MAINTAIN A CURRENT LIST OF PRODUCTS THAT CONTAIN**  
11 **SALVIA DIVINORUM; AND**

12                   **(4) POST AND CONTINUOUSLY UPDATE A SIGN IN THE SELLER'S**  
13 **PLACE OF BUSINESS THAT SHOWS THE BIRTH DATE OF A PERSON WHO IS 21**  
14 **YEARS OF AGE.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.